

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 06-42416

NATHANIEL D. FRYE and RITA N. FRYE,

Chapter 13

Debtors.

Judge Thomas J. Tucker

**ORDER DENYING “DEBTOR’S [SIC] MOTION TO IMPOSE THE STAY
PURSUANT TO 11 USC 362§ (C)(4)(A) [SIC]”**

This case is before the Court on “Debtor’s [sic] Motion To Impose the Stay Pursuant to 11 USC § 362(C)(4)(A) [sic],” filed on April 3, 2006 (Docket # 23). Previously, on March 28, 2006, Debtors filed a motion seeking to extend the automatic stay. Today, the Court has entered an Order denying that motion.

As the Court has previously held in bench opinions in *In re Gerken*, Case No. 05-89213 (2-1-06) (*see* Tr. of bench opinion on Feb.1, 2006 at 4-6 (Docket # 36)) ; and *In re Bobb*, Case No. 05-89175 (1-19-06) (*see* Tr. of bench opinion on Jan.19, 2006 at 2-5 (Docket # 53)), the Court does not have authority under 11 U.S.C. § 362(c)(4)(B)¹ or under 11 U.S.C. § 105(a)(prior to confirmation) to impose the stay once the stay has terminated under 11 U.S.C. § 362(c)(3)(A). This ruling does not preclude the possibility of the Court later granting an injunction proposed by a Chapter 13 plan that is the equivalent of the automatic stay, by confirming such a plan.

Accordingly,

¹ Citations to the Bankruptcy Code in this Order are to the Code as amended by the “Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.”

IT IS ORDERED that “Debtor’s [sic] Motion To Impose the Stay Pursuant to 11 USC § 362 (C)(4)(A) [sic],” filed on April 3, 2006 (Docket # 23) is DENIED.

Entered: April 20, 2006

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge